



REQUEST FOR PROPOSALS

FOR

MEDICINAL CANNABIS VOLUNTARY VERIFICATION CARD PROGRAM

BY THE

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

COMMUNITY SERVICES DIVISION

OF THE

CITY OF SAN DIEGO

Proposals will be accepted until 4:00 p.m. on July 26, 2002

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INTRODUCTION

The City of San Diego is actively seeking proposals from agencies qualified to operate a citywide program to verify applicant patient and caregiver eligibility for its Medicinal Cannabis Voluntary Verification Card Program (MCVVCP), to issue verification cards, and to maintain records for use by law enforcement. The initial program period will be eighteen months, with renewal of the contract for a longer period to be assessed after the first twelve months.

This Request For Proposals establishes guidelines and procedures for submission of proposals and identifies equitable criteria for review of proposals. Proposals will be evaluated by the MCVVC Selection Committee, which will include members of the San Diego Medicinal Marijuana Task Force and City staff.

Proposals will be accepted until 4:00 p.m. July 26, 2002. **Late proposals will not be accepted.**

**CITY OF SAN DIEGO
MEDICINAL CANNABIS VOLUNTARY
VERIFICATION CARD (MCVVC) PROGRAM PROPOSAL**

Submit this completed form as Proposal Cover Page

Organization Name: _____ Date: _____
Address: _____

Project Manager: _____ Phone No: _____

Title: _____ Fax No: _____
E-Mail Address: _____

Authorized Signature: _____ Phone No: _____

Print Name: _____ Fax No: _____

Title: _____

1. Insurance Company: _____
2. Federal Taxpayer Identification Number: _____
3. If a not-for-profit organization, attach a copy of proposer's IRS Tax exempt letter to this form.
4. Do you operate any eligibility verification programs or have you operated any similar programs in the past? Yes ____ No ____ #____
5. Have you ever been awarded a City contract? Yes ____ No ____ #____

Cover Page Two

6. Have you ever had a contract with any government agency suspended or terminated for default and/or have you been debarred from contracting with any government agency within the last five (5) years? Yes ____ No ____ If yes, please describe:

7. Has anyone who will have managerial or administrative responsibility for this program been convicted of any offense involving illegal drugs or prescription medications or of any felony? Yes ____ No ____ . If yes, please provide details. (Note: Proposers whose senior management team includes anyone who has been convicted of any offense involving illegal drugs or prescription medications or of any felony are not eligible for consideration.)

8. Have you ever received a complaint from a client or government agency for failing to protect the confidentiality of client records? Yes ____ No ____ . If yes, please provide details.

9. List collaborating agencies (if any) with whom you will provide services:

10. Provide a copy of the proposer's most recent audit or annual report attached to this form.

**CITY OF SAN DIEGO
MEDICINAL CANNABIS VOLUNTARY
VERIFICATION CARD (MCVVC) PROGRAM PROPOSAL**

**SECTION 1
PROPOSAL GUIDELINES**

1.1 Purpose and Scope

The City of San Diego (City) is soliciting providers to submit proposals to operate the Medicinal Cannabis Voluntary Verification Card (MCVVC) Program. The MCVVC Program is intended to be self-supporting through fees for service after an initial start-up outlay. Up to \$25,000 **may be** secured by the City through a private funder for contractor/provider start-up expenses. Proposers may also submit independent proposals for funding start-up expenses. The MCVVC Program is projected to begin operations no later than October 2002. The initial contract period is eighteen (18) months. After twelve (12) months, the contract will be reviewed and may be considered for renewal and/or extension.

This Request For Proposals (RFP) contains the instructions governing the proposals to be submitted and the materials to be included therein, requirements that must be met to be eligible for consideration, and general guidelines for submission of the proposal.

1.2 Provider Qualifications

Proposers shall be qualified to operate an identification card program that protects patient confidentiality and provides fraud and forgery prevention and detection. Proposers will provide documentation of 1) demonstrated experience verifying medical conditions, physicians' recommendations, and medical licensing or providing similar services; 2) history of protecting the confidentiality of client information; 3) ability to produce fraud and forgery resistant identification cards; 4) ability to provide law enforcement with around-the-clock verification of identification card validity; 5) ability to provide services to a diverse and sometimes disabled population throughout the City; 6) ability to provide a program which keeps user fees as low as possible and to administer an income-based fee waiver program; 7) ability to administer programs which are programmatically and fiscally accountable. Proposers whose senior management

team includes anyone who has been convicted of any offense involving illegal drugs or prescription medications or any felony are not eligible for consideration. The senior management staff of the successful proposer are subject to criminal background checks which may result in disqualification prior to contract award.

1.3 Incurred Costs

The City shall not be responsible for any costs incurred by those submitting proposals in the preparation or presentation of their proposals.

1.4 Response Date

In order to be considered for selection, the original and ten (10) copies of the proposal must be received by 4:00 p.m. July 26, 2002 at the City of San Diego, Community & Economic Development Department, Community Services Division, 1200 Third Avenue, Suite 924, San Diego, CA 92101.

Late proposals will not be accepted.

1.5 Economy of Preparation

Proposals should be prepared simply and economically, providing a straightforward, concise description of provider capabilities to satisfy the requirements of the Request for Proposals. Special bindings, colored displays, promotional materials, etc., are not desired. Emphasis should be on completeness and clarity of content. The proposal should not exceed ten (10) typed or word-processed pages. (All pages must be 8 1/2" by 11", with no less than 1/2" margins and no less than 12 point font type.)

1.6 Proposers Conference

A Proposers Conference will be held on Tuesday, July 2, 2002 at 10:00 a.m. at the Civic Center Plaza, 1200 Third Avenue, Suite 924 Conference Room, San Diego, CA 92101.

1.7 Proposal Evaluation

Proposals will be evaluated by the MCVVC Selection Committee, which will include members of the Medicinal Marijuana Task Force and City staff.

1.8 Interviews

Finalists may be interviewed by the Selection Committee.

1.9 References

Provide the name, address, phone, fax, and e-mail of three (3) references who have personal knowledge of the proposer's experience and qualifications to operate the proposed program.

1.10 Audit or Annual Report

Provide a copy of the proposer's most recent audit or annual report.

1.11 Contract Approval

The issuance of this RFP is not a contract and does not commit the City to enter into a contract with any proposer. The City reserves the right to reject any or all proposals for any reason. The successful proposer(s) shall enter into an operations contract subject to approval by both parties.

1.12 Public Records

All proposals submitted in response to this RFP become the property of the City of San Diego, are public records and, as such, may be subject to public review.

SECTION 2

PROPOSAL COMPONENTS

2.1 General Overview

The purpose of the MCVVC Program is to provide an objective and convenient means for medicinal cannabis users who have a physician's recommendation, and those who serve as caregivers to medicinal cannabis users, to demonstrate their legitimacy to law enforcement. The mechanism for accomplishing this goal is a verification, or identification, card. Possessors of a valid verification card are permitted by City ordinance to possess up to one ounce of marijuana without being subject to arrest. It is anticipated that approximately 2,000 - 5,000 cards will be issued in the first one to two years of the program. It is likely that the program volume will remain steady for at least the first five years; however, the number could be substantially smaller or larger than this estimate. All cards will be imprinted with an expiration date. Cards will be valid for a period designated by the recommending physician or for two years, whichever is less. Cards may be renewed every two years.

The process for issuing a verification card is as follows:

(1) Adults 18 years and older must provide the following when applying for a user card:

- A completed original Physician's Statement Form which indicates that the patient is under his/her care and recommends the use of medicinal cannabis for that patient's specific medical condition.

- Proof of identity in the form of a current and valid government-issued photo identification.

(2) Minors applying for a user card must submit:

- A completed original Physician's Statement for Pediatric Minors form

- Proof of identity in the form of a current and valid government-issued photo identification

In addition, minors applying for a user card must be accompanied by a parent or guardian who must:

- Provide proof of identity in the form of a current and valid government-issued photo identification and

- Complete and sign a Parent or Guardian Authorization for Minor to Apply for a Medical Cannabis Voluntary User Verification Card in the presence of a medical cannabis program staff member.

(3) Persons applying for a Medical Cannabis Primary Caregiver Verification Card must:

-Provide proof of identity in the form of a current and valid government-issued photo identification;

-Be accompanied by all patients for whom the applicant serves as primary caregiver, up to a maximum of twelve patients. All such patients must apply for and be issued a user verification card and sign and complete a Primary Caregiver Certification form in the presence of a medical cannabis program staff member.

(4) Verification Process: The contracting agency shall satisfy itself as to the accuracy of the documents presented in support of the application, including the physician's recommendation of cannabis use for the applicant. The agency shall maintain a record of the steps taken to verify the documentation in support of the application. Program staff are not permitted to approve verification cards for themselves or a member of their immediate family; however, an alternative approval mechanism for such situations is to be provided.

Other program requirements include:

(5) Lost or stolen cards must be reported to the issuing agency which will cancel the original card and issue a new one containing a new serial number, at the applicant's expense. A list of canceled cards will be available to law enforcement authorities.

(6) The agency may charge every applicant for a medical cannabis verification card a fee sufficient to cover the costs of the program, excluding initial start-up costs. A fee waiver program for applicants unable to pay the entire application fee shall be offered and administered by the provider.

(7) Confidentiality of Records: In the interest of privacy and protecting patient/doctor confidentiality, all forms submitted shall be returned to the verification card applicant once the application has been processed. No copies of these forms shall be kept. The provider shall maintain individual records identified only by serial number. The record shall contain only: the name of the applicant, the type of proof of identity submitted, the name and contact information of the recommending physician, the date and manner in which the physician's recommendation was verified, the date and type of other documents submitted, the date and serial number of the verification card, the date the verification card will expire. Upon request from law enforcement, the contracting agency is authorized to verify the current status of a verification card based only upon the serial number. Under no circumstances is the personal medical information of the applicant to be included in the record.

Provider must agree to maintain the confidentiality of any information regarding verification card applicants to the extent allowed by state and federal law.

(8) Law Enforcement Verification: The agency will maintain a system through which law enforcement officers presented with a verification card can establish its validity and current status twenty four hours a day, seven days per week, within approximately one-half hour. It is envisioned that this will be accomplished through either a telephone or computer mechanism such as a password protected web site; however, providers may propose other means for accomplishing this goal. This function must enable officers to ascertain the number of patients currently approved for a card-holding caregiver.

Six (6) criteria shall be used to evaluate proposals for the MCVVC Program. The relative weights for each criterion are indicated in parentheses, up to a maximum of 100 points

2.2 Proposer's Qualifications and Experience (25 points)

(1) Previous Experience: Describe and provide documentation of up to three programs of a similar nature to the one proposed in this RFP. Describe the scope of services, duration of contract, and numbers served. Provide the name, address, phone, fax, and e-mail address of a contact person who can verify this information. Describe any barriers and challenges encountered in implementing these programs and how those were overcome.

(2) Administrative Capacity: Document the existence of an adequate administrative infrastructure to provide services in an accountable and fiscally responsible manner.

(3) Grant Administration: Provide documentation of having successfully met the goals and objectives of previously administered grants.

(4) References: Provide three (3) references which can attest to the stated qualifications. Proposers are strongly discouraged from offering any letters of support beyond the three (3) references requested.

In evaluating the proposer's qualifications and experience, attention will be paid to the extent to which the proposer is experienced in delivering services in multiple languages to a diverse clientele, which includes a significant number of disabled and ill people from all geographic areas of the city, many of whom rely upon public transportation.

Attention will also be paid to the proposer's experience in maintaining client confidentiality and preventing fraud.

Proposers whose senior management team includes anyone who has been convicted of any offense involving illegal drugs or prescription medications or of any felony are not eligible for consideration.

2.3 Program Description (25 points)

(1) Eligibility Verification Component: Describe a detailed plan for the verification of patient and caregiver eligibility for use or distribution of medicinal marijuana. Materials developed for this

component and/or the Card Status Verification Component must include a statement which will be signed by the patient indicating that s/he will hold both the City and the contractor harmless for errors in processing applications or verifying card status to law enforcement.

(2) Card Issuance Component: Provide a detailed plan for providing verification cards which are forgery-resistant and contain the following components: Applicant's photo, a unique serial number, expiration date, and a message from the City of San Diego advising that it is illegal to distribute marijuana or to use marijuana for non-medical purposes.

(3) Card Management Component: Provide a detailed plan for canceling lost or stolen cards, updating the number of patients approved for an individual caregiver, notifying patients if their caregiver's eligibility expires or is cancelled, and notifying card holders of the need to renew their card as its expiration date approaches.

(4) Confidentiality Component: Provide a detailed plan for ensuring the confidentiality of clients' medical and personal information.

(5) Card Status Verification Component: Provide a detailed plan for providing law enforcement with virtually immediate (i.e., no more than 30 minutes delay) information regarding the authenticity and current status of a card, including the number of approved patients per caregiver, on a 24 hour per day, seven day per week basis.

In evaluating this program component, attention will be focused on the user-friendliness of the design, both for applicants and law enforcement, and the likelihood of the proposed program's success in preventing fraud or forgery and protecting client confidentiality. Attention will also be paid to how quickly the applicant anticipates being able to begin to provide service.

2.4 Leveraging of Resources (15 points)

Describe ways in which the proposer's existing infrastructure and resources can be leveraged to provide cost savings, efficiency, and/or enhanced service.

2.5 Staff Design (10 points)

(1) Organizational Structure: Include a staffing pattern which correlates with the proposed program design. An organization chart outlining any site staff and their relation to the administrative structure should be included. (The organization chart may be an attachment and not included in the 10-page narrative.)

(2) Job Descriptions: Briefly describe the roles and responsibilities for each job classification included in the organization chart, and relate the experience and qualifications of existing program administrators who will be assigned to supervise the program.

2.6 Budget Design (10 points)

(1) Budget Plan: Include a detailed eighteen-month budget which is connected to the proposed program design and staffing pattern.

(2) Include a budget narrative which clarifies sources of funding or any other budget item requiring explanation. (The budget narrative may be an attachment and not included in the 10-page narrative.)

In evaluating the proposer's budget design, attention will be focused on the plausibility of the program design and the proposer's ability to keep user fees as low as possible while providing a quality program.

2.7 Evaluation and Reporting Process (15 points)

(1) Internal Evaluation: Describe the process that will be implemented for assessing and addressing the needs and desires of the primary stakeholders, including medicinal cannabis users, caregivers, and law enforcement personnel. This process should include a plan for annual self-evaluation by program administrators and an annual quality assurance survey of consumers. The results of the evaluation and survey and an action plan for remedying deficiencies identified will be submitted to the City within sixty (60) days of the anniversary date of the contract.

(2) Reporting Process: Indicate who among the identified staff will be assigned reporting responsibilities, including monthly programmatic and fiscal reports required by the City. The reporting process should describe how the information will be collected, aggregated, analyzed and reported, and who will complete each of these steps. Reports should include a demographic analysis of applicants and card holders, including age, gender, race, medical condition, and geographic location.

In evaluating the proposer's evaluation and reporting process, attention will be paid to the ability of the proposer to clearly describe the chain of command within their organization, and identify a point of contact that will be ultimately responsible for the provision of all required information in a timely and accurate manner.

SECTION 3

CONTRACT REQUIREMENTS

The proposal must contain the following sections and provide the information as specified in the instructions under each section title. Incomplete proposals will not be considered.

3.1 Contract

An eighteen-month contract will be awarded to the successful bidder with the option to extend and/or renew based upon the successful completion of the program. No action required at this time.

3.2 Insurance

Services provided under this agreement shall not begin until the provider has obtained insurance certificates reflecting evidence of all insurance required in Section 3.2.1; however the City reserves the right to request, and the provider shall submit, copies of any policy upon reasonable request by the City; b) obtained City approval of each company or companies as required by Section 3.2.2; and c) confirmed that all policies contain the specific provision required in Section 3.2.3.

Further, the provider shall not modify any policy or endorsement thereto which increases the City's exposure to loss for the duration of this agreement.

3.2.1 Types of Insurance. At all times during the term of this agreement, the provider shall maintain insurance coverage as follows:

3.2.1.1. Commercial General Liability. For all of the provider's operations, including contractual, broad form property damage, and completed operations, the provider shall keep in full force and effect, during any and all work on this project, all applicable insurance to cover personal injury, million per occurrence, subject to an annual aggregate of \$1 million for general liability, completed operations and personal injury other than bodily injury. Contractual liability shall include coverage of tort liability of another party to pay for bodily injury or property damage to a third person or organization. Contractual liability limitation endorsement is not acceptable. The per occurrence limits required may be achieved by combining layers of excess or umbrella insurance with underlying Commercial General Liability Coverage, provided that the sum of the limits of all policies meet or exceed the required limits.

3.2.1.2. Commercial Automobile Liability. For all of the provider's automobiles including owned, hired and non-owned automobiles, the provider shall keep in full force and effect, automobile insurance for bodily injury and property damage providing coverage to a combined single limit of \$1 million per occurrence. Insurance certificate shall reflect coverage for any automobile. The City shall be named as an additional insured, but

only for liability arising out of professional services performed under this agreement.

3.2.1.3. Worker's Compensation. For all of the provider's employees who are subject to this agreement and to the extent required by the State of California, the provider shall keep in full force and effect a worker's compensation policy. That policy shall provide a minimum of \$1 million of employer's liability coverage and the provider shall provide an endorsement that the insurer waives the right of subrogation against the City and its respective elected officials, officers, employees, agents and representatives.

3.2.2. Rating Requirements. All insurance required by express provision of this agreement shall be carried only by responsible insurance companies that have been given at least an AA- & A+ rating by AM BEST and that are licensed to do business in the State of California.

3.2.3. Deductibles. All deductibles on any policy shall be the responsibility of the provider.

3.2.4. Specific Provisions Required. Each policy required under Section 3.2.1 shall expressly provide, and an endorsement shall be submitted to the City, that:

3.2.4.1 The policies are primary and contributing to any insurance that may be carried by the City, as reflected in an endorsement which shall be submitted to the City.

3.2.4.2. The policies cannot be canceled, non-renewed, or materially changed except after thirty calendar days prior written notice by the provider to the City by certified mail, as reflected in an endorsement which shall be submitted to the City except for non-payment of premium, in which case ten days notice will be provided.

3.2.4.3 Before performing any services the provider shall provide the City with all Certificates of Insurance accompanied by all endorsements.

3.2.5. Additional Insurance. The provider may obtain additional insurance not required by this agreement.

3.3 Indemnification/Hold Harmless

3.3.1. Indemnification and Hold Harmless Agreement. With respect to any liability, including but not limited to claims asserted or costs, losses, attorney fees, or payments for injury to any person or property caused by or claimed to be caused by the acts or omissions of the provider, or provider's employees, agents and officers, arising out of any services performed involving this agreement, except liability for professional services covered under Section 3.3.2, the provider agrees to defend, indemnify, protect, and hold harmless the City, its employees, agents and officers, from and against all liability. Also covered is liability arising from, connected with, caused by, or claimed to be caused by the active

or passive negligent acts or omissions of the City, its employees, agents and officers, or any third party. The provider's duty to defend, indemnify, protect and hold harmless shall not include any claims or liabilities arising from the sole negligence or sole willful misconduct of the City, its employees, agents, and officers.

3.3.2. Indemnification for Professional Services. As to the provider's work under this agreement and any professional services related thereto, the provider agrees to defend, indemnify, protect and hold harmless the City, its agents, officers and employees from and against any and all claims asserted, or liability established for any damages arising from the active or passive negligent acts or omissions of the provider. The City may, of its own election, conduct its defense or participate in the defense of any claim related in any way to this agreement; provided, however, that the provider's duty to indemnify and hold harmless shall not include any claims or liability arising from the established negligence or willful misconduct of the City, its agents, officers or employees.

3.3.3. Duty to Defend. The provider further agrees that the indemnification agreement in Sections 3.3.1 and 3.3.2, and the duty to defend the City, require the provider to pay any costs the City incurs that are associated with enforcing these indemnification provisions, and defending any claims arising from this agreement.

3.4 Provider Qualifications

By submitting the proposal, the proposer certifies conformance to the applicable acts.

1. Provide verification of Federal Taxpayer Identification number for their enterprise and 501 (c)(3), if requesting non-profit status.
2. Provide evidence of liability insurance as described in Section 3.2.

3.5 Equal Opportunity Contracting Program

A statement of the proposer's intention to comply with Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practices Act, and any other applicable federal and state laws hereafter enacted. In addition, contractors must comply with the City's Equal Opportunity Program.

3.5.1 Compliance with the City's Equal Opportunity Contracting Program

The Provider and each of its Subconsultants shall comply with the City's Equal Opportunity Contracting Program Consultant Requirements which is attached hereto as Attachment A and incorporated herein by this reference. The provider must complete the Work Force Report, Attachment B, at the time of contract award.

The Consultant's hiring of or retaining any third parties [Subconsultants] to perform services related to the Project [Subconsultant Services] is subject to prior approval by the City. Consultant shall list on the Subconsultants List (Attachment C) all Subconsultants known to the Consultant at the time this Agreement is entered. If at any time after this Agreement is entered into the Consultant identifies a need for additional Subconsultant Services, the Consultant shall give written notice to the City of the need, at least forty-five days before entering into a contract for such Subconsultant Services. The Consultant's notice shall include a justification, a description of the scope of work, and an estimate of all costs for the Subconsultant Services. The Consultant may request that the City reduce the forty-five day notice period. The City agrees to consider such requests in good faith.

3.6 Equal Access to Participation

The MCVVC Program shall be made available to all applicants free of discrimination based on race, religion, color, national origin, gender, marital status, or disability condition.

3.7 Drug-Free Workplace

Provider must agree to certify its compliance with the City's Drug-Free Workplace requirements. All subcontracts shall also contain this provision. Attachment E, Consultant Certification for a Drug-Free Workplace, must be completed at time of contract award.

3.8 Product Endorsement

The provider acknowledges and agrees to comply with the provisions of the City's Administrative Regulation 95-65 concerning product endorsement. Any advertisement identifying or referring to the City as the user of a product or service requires the prior written approval of the City.

3.9 Independent Contractors

The provider and any sub-providers employed by the provider shall be independent contractors and not agents of the City. Any provisions of this agreement that may appear to give the City any right to direct the provider concerning the details of performing the professional services or to exercise any control over such performance shall mean only that the provider shall follow the direction of the City concerning the end results of the performance.

Attachment A

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP) CONSULTANT REQUIREMENTS

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The City of San Diego (City) is strongly committed to equal opportunity for employees and subconsultants of professional service consultants doing business with the City. The City encourages its consultants to share this commitment. Prime consultants are encouraged to take positive steps to diversify and expand their subconsultant solicitation base and to offer consulting opportunities to all eligible subconsultants.

Nondiscrimination in Contracting Ordinance. All consultants and professional service providers doing business with the City, and their subconsultants, must comply with requirements of the City's *Nondiscrimination in Contracting Ordinance*, San Diego Municipal Code Sections 22.3501 through 22.3517.

Consultants shall comply with requirements of San Diego Ordinance No. 18173, Section 22.2701 through 22.2707, Equal Employment Opportunity Outreach Program. Consultants shall submit a *Work Force Report* or an *Equal Employment Opportunity (EEO) Plan* to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval.

- A. Work Force Report. If a *Work Force Report* (Attachment AA) is submitted, and an EOCP staff Work Force Analysis determines there are under representations when compared to County Labor Force Availability data, Consultant will be required to submit an *Equal Employment Opportunity Plan*.
- B. Equal Employment Opportunity Plan. If an *Equal Employment Opportunity Plan* is submitted, it must include at least the following assurances that:
 - 1. The Consultant will maintain a working environment free of discrimination, harassment, intimidation and coercion at all sites and in all facilities at which the Consultant's employees are assigned to work;
 - 2. A responsible official is designated to monitor all employment related activity to ensure the Consultant's EEO Policy is being carried out and to submit reports relating to EEO provisions;
 - 3. The Consultant disseminates and reviews its EEO Policy with all employees at least once a year, posts the policy statement and EEO posters on all company bulletin boards and job sites, and documents every dissemination, review and

- posting with a written record to identify the time, place, employees present, subject matter, and disposition of meetings;
4. The Consultant reviews, at least annually, all supervisors' adherence to and performance under the EEO Policy and maintains written documentation of these reviews;
 5. The Consultant discusses its EEO Policy Statement with subconsultants with whom it anticipates doing business, includes the EEO Policy Statement in its subcontracts, and provides such documentation to the City upon request;
 6. The Consultant documents and maintains a record of all bid solicitations and outreach efforts to and from subconsultants, consultant associations and other business associations;
 7. The Consultant disseminates its EEO Policy externally through various media, including the media of people of color and women, in advertisements to recruit, maintains files documenting these efforts, and provides copies of these advertisements to the City upon request;
 8. The Consultant disseminates its EEO Policy to union and community organizations;
 9. The Consultant provides immediate written notification to the City when any union referral process has impeded the Consultant's efforts to maintain its EEO Policy;
 10. The Consultant maintains a current list of recruitment sources, including those outreaching to people of color and women, and provides written notification of employment opportunities to these recruitment sources with a record of the organizations' responses;
 11. The Consultant maintains a current file of names, addresses and phone numbers of each walk-in applicant, including people of color and women, and referrals from unions, recruitment sources, or community organizations with a description of the employment action taken;
 12. The Consultant encourages all present employees, including people of color and women employees, to recruit others;
 13. The Consultant maintains all employment selection process information with records of all tests and other selection criteria;
 14. The Consultant develops and maintains documentation for on-the-job training opportunities and/or participates in training programs for all of its employees, including people of color and women, and establishes apprenticeship, trainee, and upgrade programs relevant to the Consultant's employment needs;
 15. The Consultant conducts, at least annually, an inventory and evaluation of all employees for promotional opportunities and encourages all employees to seek and prepare appropriately for such opportunities;

16. The Consultant ensures the company's working environment and activities are non-segregated except for providing separate or single-user toilets and necessary changing facilities to assure privacy between the sexes;
17. The Consultant establishes and documents policies and procedures to ensure job classifications, work assignments, promotional tests, recruitment and other personnel practices do not have a discriminatory effect; and
18. The Consultant is encouraged to participate in voluntary associations which assist in fulfilling one or more of its non-discrimination obligations. The efforts of a consultant association, consultant/community professional association, foundation or other similar group of which the Consultant is a member will be considered as being part of fulfilling these obligations, provided the Consultant actively participates.

Prime consultants are encouraged to take positive steps to diversify and expand their subconsultant solicitation base and to offer contracting opportunities to all eligible subconsultants. To support its Equal Opportunity Contracting commitment, the City has established a voluntary *subconsultant participation level*.

A. Subconsultant Participation Level

1. Projects valued at \$25,000 or more have a voluntary Subconsultant Participation Level goal of 15%. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE) or Other Business Enterprise (OBE) level.
2. While attainment of the 15% Subconsultant Participation Level goal is strictly voluntary, the City encourages diversity in your outreach and selection efforts. Historical data indicates that of the overall 15% goal, 25% to 30% Disadvantaged Business Enterprise (DBE) and 1% to 3% Disabled Veteran Business Enterprise (DVBE) participation is attainable. The remaining percentages may be allocated to Other Business Enterprises (OBE). Participation levels may be used as a tie breaker in cases of an overall tie between two or more firms.

- B. Contract Activity Reports. - To permit monitoring of the successful Consultant's commitment to achieving compliance, *Contract Activity Reports* (Attachment BB) reflecting work performed by subconsultants shall be submitted quarterly for any work covered under an executed contract.

V. **Demonstrated Commitment to Equal Opportunity.** The City seeks to foster a business climate of inclusion and to eliminate barriers to inclusion.

- A. Proposers are required to submit the following information with their proposals:
1. Outreach Efforts. Description of Proposer's outreach efforts undertaken on this project to make subconsulting opportunities available to all interested and qualified firms.

2. Past Participation Levels. Listing of Proposer's subconsultant participation levels achieved on all private and public projects within the past three years. Include name of project, type of project, value of project, subconsultant firm's name, percentage of subconsultant firm's participation, and identification of subconsultant firm's ownership as a certified Small Business, Disadvantaged Business Enterprise, Disabled Veteran Business Enterprise, or Other Business Enterprise.
 3. Equal Opportunity Employment. Listing of Proposer's strategies to recruit, hire, train and promote a diverse workforce. These efforts will be considered in conjunction with Proposer's *Workforce Report* as compared to the County's Labor Force Availability.
 4. Community Activities. Listing of Proposer's current community activities such as membership and participation in local organizations, associations, scholarship programs, mentoring, apprenticeships, internships, community projects, charitable contributions and similar endeavors.
- B. Consultant selection panels will consider and evaluate the Proposer's demonstrated commitment to equal opportunity including the following factors:
1. Outreach Efforts. Proposer's outreach efforts undertaken and willingness to make meaningful subconsulting opportunities available to all interested and qualified firms on this project.
 2. Past Participation Levels. Proposer's subconsultant participation levels achieved on all private and public projects within the past three years.
 3. Equal Opportunity Employment. Proposer's use of productive strategies to successfully attain a diverse workforce as compared to the County's Labor Force Availability.
 4. Community Activities. Proposer's current community activities.

Consultants are required to submit a *Subconsultants List* with their proposal.

- A. Subconsultants List - The *Subconsultants List* (Attachment CC) shall indicate the Name and Address, Scope of Work, Percent of Total Proposed Contract Amount, Dollar Amount of Proposed Subcontract, Certification Status and Where Certified for each proposed subconsultant.
 1. Subconsultants must be named on the *Subconsultants List* if they receive more than one-half of one percent (0.5%) of the Prime Consultant's fee.
- B. Commitment Letters - Proposer shall also submit subconsultant *Commitment Letters* on subconsultant's letterhead, no more than one page each, from all proposed subconsultants to acknowledge their commitment to the team, scope of work, and percent of participation in the project.

Certified "Minority Business Enterprise" (MBE) means a business which is at least fifty-one percent (51%) owned by African Americans, American Indians, Asians, Filipinos, and/or Latinos and whose management and daily operation is controlled by one or more

members of the identified ethnic groups. In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, one or more members of the identified ethnic groups.

Certified "**Women Business Enterprise**" (WBE) means a business which is at least fifty-one percent (51%) owned by one or more women and whose management and daily operation is controlled by the qualifying party(ies). In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, one or more women.

Certified "**Disadvantaged Business Enterprise**" (DBE) means a business which is at least fifty-one percent (51%) owned and operated by one or more socially and economically disadvantaged individuals and whose management and daily operation is controlled by the qualifying party(ies). In the case of a publicly-owned business, at least fifty-one percent (51%) of the stock must be owned by, and the business operated by, socially and economically disadvantaged individuals.

Certified "**Disabled Veteran Business Enterprise**" (DVBE) means a business which is at least fifty-one percent (51%) owned by one or more veterans with a service related disability and whose management and daily operation is controlled by the qualifying party(ies).

"**Other Business Enterprise**" (OBE) means any business which does not otherwise qualify as Minority, Woman, Disadvantaged or Disabled Veteran Business Enterprise.

VIII. Certification.

- A. The City of San Diego is a signatory to a Memorandum of Understanding (MOU) with the California Department of Transportation (CALTRANS), and therefore has adopted a policy regarding certification of MBE/WBE/DBE/DVBE firms. As a result of the MOU, an MBE, WBE or DBE is certified as such by any of the following methods:
 - 1. Current certification by the City of San Diego as MBE, WBE, or DBE;
 - 2. Current certification by the State of California Department of Transportation (CALTRANS) as MBE, WBE or DBE;
 - 3. Current MBE, WBE or DBE certification from any participating agency in the statewide certified pool of firms known as CALCERT.
- B. DVBE certification is received from the State of California's Department of General Services, Office of Small and Minority Business (916) 322-5060.

AA - *Work Force Report*

BB - *Contract Activity Report*

CC - *Subconsultants List*

City of San Diego

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP)

1010 Second Avenue • Suite 500 • San Diego, CA 92101

Phone: (619) 533-4464 • Fax: (619) 533-4474

Attachment B - WORK FORCE REPORT

The objective of the *Equal Employment Opportunity Outreach Program*, San Diego Municipal Code Sections 22.3501 through 22.3517, is to ensure that contractors doing business with the City, or receiving funds from the City, do not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to unlawful discrimination in the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. Contractors are required to provide a completed *Work Force Report*.

CONSULTANT IDENTIFICATION

Type of Contractor: * Construction * Vendor/Supplier * Financial Institution

* Consultant * Grant Recipient * Insurance Company

*Les

*Ott

Name of Company:

AKA/DBA:

Address (Corporate Headquarters, where applicable):

City _____ County _____ State _____

Zip

Telephone Number: () FAX Number: ()

Name of Company CEO:

Address(es), phone and fax number(s) of company facilities located in San Diego County (if different from above):

Address:

City _____ County _____ State _____

Zip

Telephone Number: () FAX Number: ()

Type of Business:

Type of License:

The Company has appointed:

as its Equal Employment Opportunity Officer (EEOO). The EEOO has been given authority to establish, disseminate, and enforce equal employment and affirmative action policies of this company. The EEOO may be contacted at:

Address:

Telephone Number: () FAX Number: ()

For Firm's: * San Diego Work Force and/or * Managing Office Work Force

I, the undersigned representative of

(Firm Name)

_____, _____ hereby certify that

information provided herein is true and correct. This document was executed on this day of

_____, 200____. (County) (State)

(Authorized Signature)

(Print Authorized Signature Name)

NAME OF FIRM: _____ DATE: _____

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- | | |
|--|--|
| (1) Black American | (5) Filipino |
| (2) Latino, Hispanic, Mexican-American, Puerto Rican | (6) Caucasian |
| (3) Asian, Pacific Islander | (7) Other ethnicity; not falling into other groups |
| (4) American Indian, Eskimo | |

OCCUPATIONAL CATEGORY	(1) Black American		(2) Latino		(3) Asian		(4) American Indian		(5) Filipino		(6) Caucasian		(7) Other Ethnic	
	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)
Executive, Administrative, Managerial														
Professional Specialty														
Engineers/Architects														
Technicians and Related Support														
Sales														
Administrative Support/Clerical														
Services														
Precision Production, Craft and Repair														
Machine Operators, Assemblers, Inspectors														
Transportation and Material Moving														
Handlers, Equipment Cleaners, Helpers and Non-construction Laborers*														
*Construction laborers and other field employees are not to be included on this page														
TOTALS EACH COLUMN														
GRAND TOTAL ALL EMPLOYEES														
INDICATE BY GENDER AND ETHNICITY THE NUMBER OF ABOVE EMPLOYEES WHO ARE DISABLED:														
DISABLED														
NON-PROFIT ORGANIZATIONS ONLY:														
BOARD OF DIRECTORS														
VOLUNTEERS														
ARTISTS														

SUBCONSULTANTS LIST

Project Title

INFORMATION REGARDING SUBCONSULTANTS PARTICIPATION:

1. Subconsultant's List shall include name and complete address of all Subconsultants who will receive more than one half of one percent (0.5%) of the Prime Consultant's fee.
2. Proposer shall also submit subconsultant commitment letters on subconsultant's letterhead, no more than one page each, from subconsultants listed below to acknowledge their commitment to the team, scope of work, and percent of participation in the project.
3. Subconsultants shall be used for scope of work listed. No changes to this Subconsultants List will be allowed without prior written City approval.

NAME AND ADDRESS SUBCONSULTANTS AND VENDORS	SCOPE OF WORK	PERCENT OF CONTRACT	DOLLAR AMOUNT OF CONTRACT	* MBE/ WBE/DBE/ DVBE/OBE	* WHERE CERTIFIED

* *For information only.* As appropriate, Proposer shall identify Subconsultants as:

Certified Minority Business Enterprise MBE
 Certified Woman Business Enterprise WBE
 Certified Disadvantaged Business Enterprise DBE
 Certified Disabled Veteran Business Enterprise DVBE
 Other Business Enterprise OBE

* *For information only.* As appropriate, Proposer shall indicate if Subconsultant is certified by:

City of San Diego CITY
 State of California Department of Transportation CALTRANS

[revised 05/02]

Attachment C

Attachment D

CONTRACT ACTIVITY REPORT

Consultants are required by contract to report subconsultant activity in this format. Reports shall be submitted via the Project Manager to the *Equal Opportunity Contracting Program (EOCP)* no later than thirty (30) days after the close of each quarter.

PROJECT: _____

PRIME CONSULTANT: _____

CONTRACT AMOUNT: _____

INVOICE PERIOD: _____

DATE:

Include Additional Services Not-to-Exceed Amount

Subconsultant	Indicate MBE, WBE, DBE, DVBE or OBE	Current Period		Paid to D	
		Dollar Amount	% of Contract	Dollar Amount	%
Prime Consultant Total:					
Contract Total:					

Completed by: _____

Attachment E

CONSULTANT CERTIFICATION FOR A DRUG-FREE WORKPLACE

PROJECT TITLE: _____

I hereby certify that I am familiar with the requirement of San Diego City Council Policy No. 100-17 regarding Drug-Free Workplace as outlined in the request for proposals, and that:

Name under which business is conducted

has in place a drug-free workplace program that complies with said policy. I further certify that each subcontract agreement for this project contains language which indicates the Subconsultants agreement to abide by the provisions of Section 4.9.1 subdivisions A through C of the policy as outlined.

Signed _____

Printed Name _____

Title _____

Date